

REMARKS/ARGUMENTS

Claims 1 and 3 through 10 are pending in this application. Claims 2, 31 and 32 have been cancelled without prejudice or disclaimer. Claim 1 has been amended. Applicant respectfully request reconsideration of this application in view of the above amendments and these remarks.

Claim rejection – 35 USC § 103(a)

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa (US 6,434,337) in view of Goto (US 6,850,781). Also, Claims 3 through 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Misawa and Goto in view of Kabe (US 6,397,089).

Claim 1 as amended provides, *inter alia*, the portable electronic device presents safety information pertaining to the power source on the display when the portable electronic device is turned from OFF to ON. Support for the above added citation is provided at page 6, lines 7 through 11, of the Applicants' specification. It should be noted that Applicant has removed the language from claim 1 which states that the power source should not be disposed in fire.

Referring to page 5 of Office Action (Response to Arguments), Examiner states that "..., Misawa discloses that warning unit would issue a warning in response to safety information (col. 2, lines 24 – 26), and display the text on the display panel as illustrated in fig. 11." Applicant disagrees with Examiners assertion and traverses the rejection.

Misawa on col. 2, lines 23 – 28, clearly states that “[i]n this case the warning unit would issue the warning in response to detection by the detection unit of the fact that the battery voltage has attained a voltage in the vicinity of the power supply voltage necessary for the length of time set by the user-time setting unit.” As such, Misawa discloses that while user is running one application, if there is not enough power left in the battery of the device to run a second application, wherein the second application is prioritized, the display screen will give a warning message indicating the same and would ask the user to switch the battery or turn off that application. Misawa, on col.8, lines 2 – 11, discloses that “ [i]f the voltage of the battery 43 is less than the voltage necessary to record the number of images equivalent to the recordable number, sound reproduction is halted (step 104).” Also, Fig. 11 displays “TURN OFF POWER SUPPLY TO GIVE PRIORTIY TO CAMERA OPERATION (CAMERA OF 20 IMAGES)”, as such it is clear that this warning message is indicating the user to turn off the power supply to DAP mode so that camera mode/ or camera operation could be performed for capturing 20 images. As such, the warning message in Misawa is displayed while a first application is running so that power for a second application could be saved and not when the device is turned from OFF to ON.

Therefore, Misawa no where mentions of presenting safety information pertaining to the power source on the display when the portable communication device is turned from OFF to ON. Hence, since the claimed limitations are missing from Misawa, claim 1 distinguishes patentably from Misawa. As such, rejection of claim 1 under 35 U.S.C. 103(a) should be withdrawn.

Referring to Goto, Examiner on page 3 of Office Action, states that “[m]isawa and Goto are analogous art because they are from the same field of endeavor; warning device and information display method. The motivation for doing so would have been obvious in view of the teachings of Goto col. 2, lines 22 – 26 that by adding safety information and a method of display to the electronic apparatus....” Applicant disagrees with Examiners assertion and traverses the rejection.

Goto on col. 2, lines 27 – 38 describes a first information and a second information to be displayed on the screen of the mobile communication terminal. Goto mentions that when the display is in a full screen size with the second information displayed on it, a notification control unit will notify the first information by employing a notification unit. Also, Goto clearly mentions on col. 2, lines 50 – 60, that specifically the first information contains so-called “pictorial indications” such as an antenna figure indication or a battery figure indication. In addition, the second information is acquired via a communication network, a telephone number indication and a transmission/reception mail indication. As such, the first information and the second information displayed are the information regarding the battery voltage left, network strength available and information displaying a telephone number and reception of a mail.

Therefore, nowhere in Goto is there mentioned presenting a safety information pertaining to the power source on the display when the portable communication device is turned from OFF to ON. Moreover, there is no motivation as such in Goto to combine Goto with Misawa. Hence, since claimed limitations are missing from Goto, claim 1

distinguishes patentably from Goto patent, the Misawa patent and the suggested combinations of these patents.

Claims 3 through 10 depend from and include all limitations of independent claim 1 as amended. Therefore, claims 3 through 10 distinguish patentably from the Misawa patent, the Goto patent and the suggested combination of these patents for the reasons stated above for claim 1.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1 and 3 through 10 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner

have any questions or concerns that may expedite prosecution of the present application,
the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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